

333 Constitution Avenue
Washington, DC 20001

Case: 1:19-cv-02013

Assigned To: Unassigned

Assign. Date: 7/1/2019

Description: FOIA/Privacy Act (I-DECK)

Responsive Pleading

Citing: Rule 12 (e)(1)(E)(ii) → Non Movants must respond within 21 days

Rule 12 #2, #3 → as Federal employee(s) - each has failed to respond within 60 days → as Federal agencies - each has failed to respond within 60 days → therefore

Invoking: Rule 56 → Summary Judgment → Movant K.W. Lewis is entitled to Summary Judgment as a matter of law - as follows

(1) each Non Movant is in violation of the Privacy Act - section →

(a) 552 a(e)(5) → Each Non Movant has failed to maintain K.W. Lewis's central files and records accurately and

(b) Privacy Act - section(s) → 552 a(e)(5) and 552 a(g)(1)(C) permit civil action by K.W. Lewis - when these Non Movants upon request from K.W. Lewis further to address the inaccuracies

(c) Privacy Act - section(s) → 552 a(d) and 552 a(g)(1)(A) were violated by the Non Movants - when they failed to amend or correct the inaccurate files of K.W. Lewis therefore

Citing → W. Foster Sellers v Fed. Bureau of Prisons et al (D.C. Cir 1989) →

(d) K.W. Lewis files this civil responsive pleading - for relief: Alternative relief = burden of production - and monetary damages under section(s) →

(d) 552 a(g) and 552(g)(4) - civil remedies - for adverse affects to K.W. Lewis due to inaccurate central files and records further.

(3) K.W. Lewis cites → Strang v United States Arms Control & Disarmament Agency, 275 App. D.C. 37, 864, F. 2d 859 (D.C. Cir. 1989) → because Strang - in its essence represents a "typical" Privacy Act - violation - because (i) K.W. Lewis's factual assertions were and still are clearly provable. Id. at 866 → Non Movants - simply would review the central files and records of K.W. Lewis for verification ; yet, failed to do so.

Kenneth Wayne Lewis

Movant

v

U.S. Atty. Gen. William Barr - Rule 12 #2, #3, both officially and personally
Acting Director Hugh J. Hurwitz - Rule 12 #2, #3, Bureau of Prisons both
officially and personally

United States Department of Justice - Rule 12 #2, as a federal agency

Federal Bureau of Prisons - Rule 12 #2, #3 as a federal agency

Deputy U.S. Atty. Gen. Jerrrod Rosen - Rule 12 #2, #3 both officially and
personally

NON Movant(s)

(a) K.W. Lewis invokes Privacy Act - Section 552a(d) as whenever
this Court is compelled to adjudicate these Privacy Act violation(s) and

(i) Jurisdiction / Venue = Each Non Movant - is domiciled in the
District of Columbia, Washington, D.C. citing Rule 9 -

(ii) K.W. Lewis has a protected property interest in his central files
and records = Constitutionally - which affects his protected liberty
interest constitutionally therefore

(3) Under Rule 9 (a) → K.W. Lewis has the legal right and authority to Sue

(3) Under Rule 9 (b) → Fraud - Each of the Non Movant has committed
Fraud → U.S. Atty. Gen. William Barr - under § "3662" failed to review
in the repository - in the U.S. Department of Justice - K.W. Lewis's conviction
records under the Privacy Act - Section 552a(e)(2) - after being notified
From March 25, 2019 - May - 2019 →

(4) Under Rule 9 (d) → Official document - "3662" required the then →
U.S. Atty. Gen. Eric Holder to re-validate and re-verify K.W. Lewis's conviction
records - Referencing - Case No.: 11-13-cr-10082 → docket sheet page "47"
easily verifiable - Counts (1-4) and the 1st months were imposed in the
Wrong Category of 2 or 3 instead of Category 1 and wrong Guidelines Range
and Counts (1-4) were ran consecutive of Counts (5-15) →

absl

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(i) under Rule 9(a) → K.W. Lewis has the legal right and authority to sue
(ii) under Rule 9(b) → Fraud - each of the Non Movant has committed

Fraud → acting Director - Bureau of Prisons - Hugh J. Werwitz - under the Bureau of Prisons - Program Statement → 5800.17 #c - when K.W. Lewis challenged his central files in the Bureau of Prisons as being inaccurate, on July 15, 2018 - Hugh J. Werwitz - failed to respond - plead, dispute or answer K.W. Lewis's factual assertions →

(iii) under Rule 9(d) - official documents → Hugh J. Werwitz was provided under Bureau of Prisons - remedy - three (3) administrative documents as Follows

(a) ON 3/16/2017 - (a) BP 8 - response by Case Mgr. Boyd - Building 5811 FCI, Fort Dix - New - N.J. statens - no "new" Pre Sentence Report "would be issued" and (b) ON 3/24/2017 - remedy # 893974-F1 - a BP 9 - response by Warden Daniel Ortiz - FCI, Fort Dix → statens - the Bureau of Prisons has your amended Judgment and Commitment Order and has properly calculated your 135 month sentence → Hugh J. Werwitz has yet to respond → Further

(iv) under Rule 9(a)(b)(d) → Deputy U.S. Atty. Gen. Jerrad Rosen has failed to respond to a responsive pleading issued in May 2019 - under Rule 12(e)(1)(A)(i)
21 days have come and gone

Constructive Presumption → "Relief"

(1) Each Non Movant - as per Certificate of Service - has failed under Rule 55(a) to plead, dispute, defend or answer K.W. Lewis's factual assertions →

(2) Each Non Movant - is in violation of the Preseuy Act - each was afforded the opportunity to correct and address K.W. Lewis's inaccurate central files and records but each has failed to provide and protect → K.W. Lewis's right of due process - because the Truth was relatively easily ascertainable

(3) K.W. Lewis had a right to request → confirmation of U.S. Atty. Gen. William Barr for verification of not just the 2014 - conviction records but the 2016 conviction records - because under the requirements of section (e)(5) and (g)(1)(c) of the Preseuy Act - No "Non Movant put forth in effect to act in a fair and lawful manner - even when these inaccurate central files and records were adverse to K.W. Lewis - especially under habeas review - his / False imprisonment among other violation from 2012 → present

- (A) Burden of Production - in adherence to the Privacy Act-
- (i) K.W. Lewis's central files and records are still inaccurate,
- (ii) K.W. Lewis asks for three (3) Presentence Reports →
- (i) 2014- doc. 292- 514(2014)- initial Presentence Report
- (ii) 2014- doc. 294- 6117(2014)- revised Presentence Report
- (iii) 2016- alleged Presentence Report - for Aug. 3, 2016 and
- (2) K.W. Lewis asks for "Proof" his objection(s) - were adjudicated
- (iv) doc. 296- 612012014- objections to doc. 292- pages 20-24
- (v) doc. 301- 612312014- objections to doc. 294- pages 22-25
- (3) K.W. Lewis asks for "Proof" doc. 459- 7121(2016)- "Memorandum"
- (vi) "Proof" doc. 459- 7121(2016)- was provided to K.W. Lewis on or before June 27, 2016
- (vii) "Proof" that objections - given in open Court on Aug. 17, 2016 - were adjudicated - and Probation Officer D. Burgess's response and the government's response
- (4) K.W. Lewis asks for transcripts of the Aug. 3, Aug. 17, 2016- Sentencing Hearing(s) - to "prove" there was "no" amended Pre Sentence Report ever issued for either date →
- (5) K.W. Lewis asks for "Proof" that Motion 126-1 - 11123(2013 page 9) - was filed and adjudicated = Brady violation - failure to disclose - Case-1:17-cr-10082
- (6) Based on Doc. 296- 612012014 or 612312014 - page 6 → when "Hearings Be Now" → U.S. Atty. Gen. William Barr- Chief Litigator for the U.S. Government → must produce all three (3) Pretrial motion evidence - disputes to above
- (7) Hugh J. Herrwitz - must dispute Exhibit "BB-22" - 464(2018)= Basis for change - how could the Court Order Modification Sentence from 271 to 135 without a "Presentence Report" amended and
- (c) Penal Redress- U.S. Atty. Gen. William Barr failed to dispute that the Department of Justice owes K.W. Lewis - \$450 billion - in Euros (Pounds) - payable in Traveller's cheques and each of the 286 Federal employee(s) owes \$300 million in Euros (Pounds) - payable in Traveller's cheques - individually under § 552a(g) and
- (8) Under § 552a(g)(4) → the U.S. Dept. of Justice must Resolve = the \$54 billion pen day: Penal Redress → loss on \$100,000,000,000.00 - EuroP. Investment: June 26, 2019 Response Pleading - comes from to Mr. Maysants attorneys counsel KW

Material Facts

(a) Foundation for → Probable Cause → under the Privacy Act

① section - 552 a(e)(5) → violation = Inaccurate files

(i) exhibit "Memorandum" → 6 entries

(ii) → TO: date → 7/14/2016 - 452 - document
7/15/2016 - 453 - document
7/15/2016 - 454 - document

7/15/2016 - document 455

7/15/2016 - document 456

7/15/2016 - document 457

(b) The Court must:

(2) Compel U.S. Atty. Gen. William Barr - to produce these documents

(3) because - there was no way K.W. Lewis - could have issued any of these

(iii) On July 12, 2016 → K.W. Lewis was removed from PCI, Sent DK, ~~Coed W.S.~~

(iv) on July 13, 2016 - he was at U.S. P. Caenan → Pennsylvania - and Furthor

(v) He remained until - July 19, 2016 →

(c) doc. 459-7/21/2016 → confirms several facts

(4) the fact - that "Patricia Sanges" - alleged loss is confirmed at \$6,900.00 → White

(v) doc. 323 and doc. 460 - 6/27/2014 and 8/22/2016 - have Patricia Sanges
alleged loss at \$6,875.00 → Nullifying both the Final Judgment and Commitment Order
and the Amended Judgment and Commitment Order → Warden Ortiz, Letter 3/29/2011
Reversely #893974- P1 plus

(5) doc. 459-7/21/2016 - objections were issued = never adjudicated → and
doc. 296, 6/20/2014 - page 6 - defects doc. 460 - plus

(6) on Jan. 22, 2018 → Affidavit of Pleading to the U.S. Dept. of Justice - has not
been answered → violation of the Privacy Act

(vii) there is no way for this Court not to allow this civil - responsive
pleading in violation of the Privacy Act = June 27, 2019 Kenneth W. Lewis
KWL

(ii) issued on June 27, 2019 to the District Court referencing a responsive pleading - District Court located at 333 Constitution Avenue NW Washington, DC 20001 - issued by Kenneth Wayne Lewis from Burlington County, FCI, Fort Dix (Lew) N.J. and the U.S. Attorneys Office located at 970 Broad Street, Suite 700, Newark, NJ 07102 has received a copy of this responsive pleading - therefore

- (a) the Non Movant have entirely been notified under both
 - (i) Rule 12(a)(1)(A)(i) and Rule 12 §§ 2, 3 of which each is in default?
 - (b) confirmation - via Certificates of Service "copies" and
- (ii) Each Non Movant has 21 days to Plead, defend, dispute or answer but
 - (c) Each must produce the specific evidence that is "inaccurate" in Kenneth Wayne Lewis's central files and records and
- (iii) → the question before this court is why
 - (d) was there "no" "genuine" material dispute against K.W. Lewis's factual assertions and
 - (e) "Exhibit" → memorandum → # doc. 455-7115/2016 → response to Pre Sentence Report by Kenneth W. Lewis = problem - K.W. Lewis was in a U.S. Prison From 7/13/2016 - 7/19/2016 → being transferred on emand →.
- (iv) the Non Movants are in default as, by law → K.W. Lewis is entitled to Summary Judgment - Burden of production - and Monetary damages - and
 - (F) Immediate Release as an American citizen - falsely imprisoned

Jane 26 2019

Kenneth Wayne Lewis